HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 25287 of 2007

Dated: 29-11-2007

Between:

Nanekar Tanaji Rambhanu

..... PETIT

AND

The Deputy Transport Commissioner
And Secretary, Regional Transport Authority,
Nizamabad and another.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 25287 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the seizure of the petitioner's taxi cab bearing Registration No.MH-14-AH 5877 by respondent No.2 is arbitrary and illegal. The petitioner also sought for a consequential direction to the respondents to forthwith release his vehicle.

Heard Sri Rajanikanth Jwala, learned counsel for the petitioner and perused the record.

Vehicle check report dated 13-11-2007 prepared by respondent No.2 under which the petitioner's vehicle was seized shows the following alleged irregularities.

1. Without A.P. Tax for Q.E.31-12-2007.
2. Without A.P. permit
3. Fitted with (10) seats.
4. Unauthorized alteration of seats 7 in all to 10 in all.

Learned counsel for the petitioner stated that since respondent No.1 is vested with the power under Rule 448(B) of the Andhra Pradesh Motor Vehicle Rules, 1989, petitioner approached him by filing an application on 29-06-2007 and so far respondent No.1 has not disposed of the said application.

Learned counsel invited my attention to the courier receipt dated 26-11-2007 evidencing receipt of the parcel addressed to respondent No.1 by the courier. As rightly pointed out by the learned counsel for the petitioner, respondent No.1 has the statutory power and coupled with it, the duty to consider and take a decision on the petitioner's application for release of the vehicle. Even assuming that the representation sent by the petitioner must have been received by respondent No.1 on 27-11-2007, respondent No.1 requires at least a minimum of three days' time to apply his mind and take a decision. Therefore, this writ petition, filed a day after sending of representation, in my view, is premature.

The writ petition is, therefore, disposed of with the direction that the

respondent No.1 shall consider and take a decision on the representation, dated 26-11-2007, allegedly sent by the petitioner for release of his vehicle within a period of three days from today.

C.V.NAGARJUNA REDDY,J

Date: 29-11-2007
Note: Issue C.C. by tomorrow.
B/o
KLP